



Docket No: 10738-44

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Sequence Listing; P.O. Box 2327, Arlington, VA 22202 on October 30, 2002.

Brandy Dicken

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**PATENT**

1534  
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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Kersten M. Small et al : Paper No.  
Serial No.: 09/636,259 : Group Art Unit: 1634  
Filing Date: August 10, 2000 : Examiner: Johannsen, Diana  
For: **Alpha-2A-Adrenergic Receptor Polymorphisms**

**RESPONSE TO EXAMINER COMMUNICATION AND  
STATEMENT REGARDING SEQUENCE LISTING IDENTITY**

Box Sequence Listing  
PO Box 2327  
Arlington, VA 22202

Dear Sir:

In the Examiner's Communication including a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated July 1, 2002, the Examiner indicated that the application failed to comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as there are incomplete Sequence Listings in Figures 1 and 2. A copy of the Notice is enclosed.

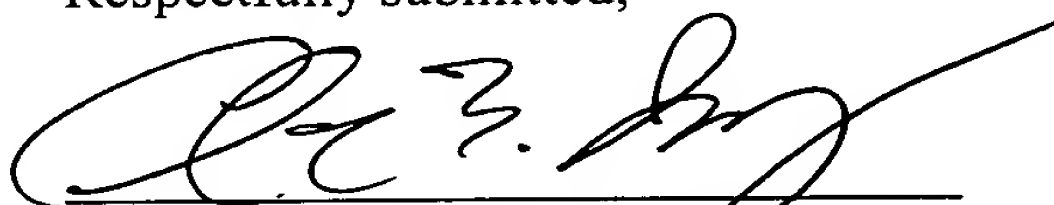
Submitted herewith is a substitute computer readable form (CRF) copy of the "Sequence Listing" and a substitute paper copy as required by 37 C.F.R. 1.821(e). The Sequence Listing has been revised to incorporate the Sequence Listings of Figures 1 and 2. Applicants state that the content of the substitute computer readable form copy is identical to

- the substitute paper copy of the Sequence Listing submitted herewith and includes no new matter, in accordance with 37 C.F.R. 1.821(e), (f) or (g), or 1.825(b) or (d).

In addition, Applicants note that a Request for Authorization to Amend the Drawings has been filed to incorporate the Sequence Identification Numbers into Figures 1 and 2 and to delete non-essential matter from Figure 2. The Request and corrected drawings are submitted herewith.

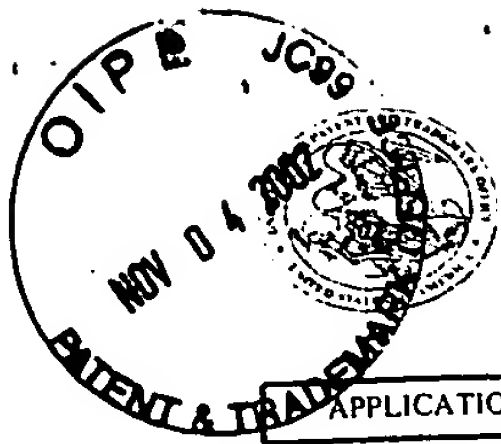
It is believed that the present submission represents a full and complete response to the Notice to Comply, and consideration on the merits is respectfully requested.

Respectfully submitted,



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636.259	08/10/2000	Kersten M. Small	13092	7139

7590 07/01/2002  
Kalow & Springut LLP  
488 Madison Avenue 19th Floor  
New York, NY 10022

EXAMINER	
JOHANNSEN, DIANA B	
ART UNIT	PAPER NUMBER
1634	11
DATE MAILED: 07/01/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

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K&S PATENT DEPT.	
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LMS  
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JUL 11 2002	
8/1/02 - 1/1/03	
KALOW & SPRINGUT LLP	
DOCKET	

Application/Control Number: 09/636,259

Art Unit: 1634

The communication filed April 12, 2002 is not fully responsive to the Office communication mailed March 18, 2002 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules and/or CRF Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the above-mentioned reply appears to be a *bona fide* attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana Johannsen whose telephone number is (703)305-0761. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:0 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached at (703) 308-1152. The fax phone number for the Technology Center where this application or proceeding is assigned is (703) 305-3014 or 305-4242.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

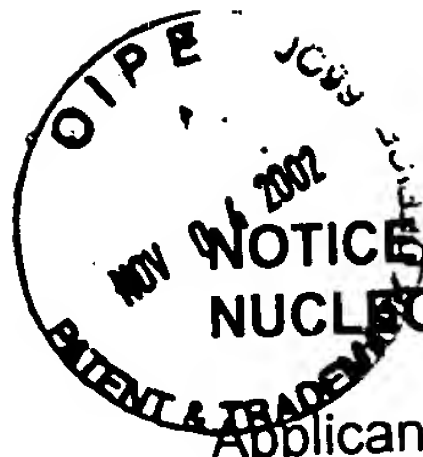
Application/Control Number: 09/636,259

Art Unit: 1634

Diana Johannsen

June 26, 2002

  
W. Gary Jones  
Supervisory Patent Examiner  
Technology Center 1600



**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Incomplete Sequence Listing (see, e.g., Figures 1 and 2)

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**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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